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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,573	11/02/2001	Charles S. Fenton	021768.1152	2730
7590	08/23/2006			EXAMINER POLTORAK, PIOTR
Matthew B. Talpis, Esq. Baker Botts L.L.P. Suite 600 2001 Ross Avenue Dallas, TX 75201-2980			ART UNIT 2134	PAPER NUMBER

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,573	FENTON ET AL.	
	<b>Examiner</b> Peter Poltorak	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 May 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-5,8-10,14,21-29,33-39,41-43 and 47-73 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5,8-10,14,21-29,33-39,41-43 and 47-55 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 56-73 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendment, and remarks therein, received on 5/25/06 have been entered and carefully considered.
2. The Amendment introduces new limitations into claims 2-5, 21, 24-25, 47 and 52-53, cancels claims 6-8, 11-13, 15-20, 30-32, 40 and 44-46 and introduces new claims 56-73.

The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 8-10, 14, 21-29, 33-39, 41-43 and 47-55 drawn to a method and a system of generating of proxies based on an agreement between communicating parties, classified in class 705, subclass 1.
- II. Claims 56-73 drawn to a secure switch communication method and system, classified in class 726, subclass 11.

Inventions ( I ) a method and a system of generating of proxies based on an agreement between communicating parties and ( II ) a secure switch communication

method and system as subcombinations disclosed as usable together in a single combination.

The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention ( II ) drawn to a secure switch communication method and system, classified in class 726, subclass 11 do not require agreement between two communicating parties that is used in creating of proxies ( I ) drawn to a method and a system of generating of proxies based on an agreement between communicating parties, classified in class 705, subclass 1 do not require a secure switch with profile specifying parameters of communications.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 56-73 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Response to Amendment***

4. Applicant's arguments have been carefully considered but they were not found persuasive.
5. As per claims 1, 14, 26, 41 and 55 applicant argues that Dan and Epstine fail to disclose: "determining whether the data violates the agreement". To validate the argument applicant suggests that Dan describes an automatic generation of code used to implement a service contract – not determining whether data violates the agreement and that Epstine provides no disclosure of disallowing communication of the data from when the data violates the agreement.
6. Applicant's arguments have been carefully considered but they were not found persuasive.

In addition to generating a plurality of virtual private proxies based on an agreement between a first entity and a second entity (*col. 5. lines 49-63 and col. 6 lines 11-25*) Dan explicitly discloses determining whether the data violates the agreement (*col. 6 lines 25-47*).

Col. 6 lines 25-47 refer to generated enforcement code components that execute in as the client and server contract enforcer components. These two components executes so that the rules of interaction specified in the service contract are enforced by each of the parties to ensure that the other parties abide by those rules.

This clearly reads on "determining whether the data violates the agreement".

Col. 7 line 52-col. 8 line 57 are even more explicit, spelling out that the contract enforcement code determines, based on the incorporated rules of interaction,

whether a request (or message, or document) is acceptable from the specific requester as per the rules of interaction. If the request is determined to be acceptable, the contract enforcement code causes providing this service and if not unacceptable the rejection occurs.

7. As per claim 3, 4, 5, 8 and 9 applicant challenges the motivation to combine the art of record used in rejection of these claims.

Applicant's arguments have been carefully considered but they were not found persuasive.

The examiner reminds applicant that so long as only knowledge, which was within the level of ordinary skill at the time the claimed invention was made, is taken into account, and does not include knowledge gleaned only from the applicant's disclosure, the motivation is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The need for prompt actions in order to ensure network security and secure data communication is appreciated, old and well known in the art of network administration, as it is also visible in the cited reference (Ashdown, col. 1 lines 23-28 and col. 2 lines 58-60 for example).

8. Applicant also argues new claims 56-73. The limitations of these claims are addressed in this Office Action.
9. Lastly, applicant challenges Official Notice but provides not support that transport security protocols (e.g. IPSec, PPTP, LT2P etc.) as well as XML data, are not well-known and utilized data communication between entities. The examiner refers applicant to any fundamental data security reference, such as "Security in

computing" (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866) or to any RFC dealing with the subject, e.g. RFC 2401.

10. Claims 1-5, 8-10, 14, 21-29, 33-39, 41-43 and 47-55 have been examined.

### ***Claim Rejections - 35 USC § 103***

11. Claims 1-4, 14, 24-26, 28-29, 37, 41, 43, 52-54 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329.

As per claims 1 '290 teach generating a plurality of virtual private proxies based on an agreement between a first entity and a second entity and associating a first virtual private proxy associated with the first entity and a second virtual private proxy associated with the second entity ('290, col. 5. *lines 49-63 and col. 6 lines 11-25*). '290 teach monitoring data at received at the first virtual private proxy from the first entity, determining whether the data violates the agreement ('290, col. 6 *lines 25-47*).

12. '290 do not explicitly teach disallowing communication of the data from the first virtual private proxy to the second virtual private proxy when proxy when data violation is detected.

'329 teach that data is monitored to determine any violation and disallows communication of the data from the first virtual private proxy to the second virtual

private proxy when proxy when data violation is detected ('329, col. 8 line 56- col. 9 line 23).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to disallow communication between proxies when the data violation is detected as taught by '329. One of ordinary skill in the art would have been motivated to perform such a modification in order to allow only traffic conforming to a predetermined security policy.

13. Claims 14, 26 and 41 are substantially equivalent to claim 1; therefore claims 14, 26 and 41 are similarly rejected.

14. As per claims 29 the examiner considers the second entity as a secure switch; thus the first virtual private proxy comprises a logical representation of a logical access point between the first entity and a secure switch. In order to activate the logical access point the logical access point must be accessed and software accesses entities such as access point using a logical representation of the entity; thus the first virtual private proxy must comprise a logical representation of a logical access point. Also, the first virtual private proxy that comprises a logical representation of a logical access point is connected with the secure switch and through physical means such as communication line 532 that in networks discussed by '290 (*Background of the invention*) are implemented by physical lines. Another words, the logical representation of the logical access point between the first virtual private proxy and the secure switch is implemented by a physical access (*means*) point between the first entity and the secure switch.

15. As per claims 2-4, 24-25, 52-53, '290 and '329 do not explicitly teach determining that the data includes a security violation such as a virus, malicious program or an intrusion attempt and prohibiting this type of data.

Official Notice is taken that it is old and well-known practice to determine whether the data includes a security violation such as a virus, malicious program or an intrusion attempt and prohibiting this type of data. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to determine whether the data includes a security violation such as a virus, malicious program or an intrusion attempt and prohibiting this type of data. One of ordinary skill in the art would have been motivated to perform such a modification in order to prevent security problems such as attack, loss of data etc.

16. Although in the rejection above the examiner considered that the second entity comprising the second virtual private proxies reads on a secure switch, employing an independent third party that ensures non-bias security transactions is old and well known in the computer arts. Thus, implementing the first and the second virtual proxy on an additional secure switch rather than on the first and second entity would be an obvious modification of '290 invention given a benefit of non-bias execution of agreement rules by an independent party (a secure switch).

17. Claims 5 and 47 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329 and further in view of Reed et al. (U.S. Patent 6266704).

'290 in view of '329 disclose the first and the second virtual private proxy as discussed above.

18. '290 in view of '329 do not teach hiding the existence of objects, in particular at least one of the first virtual private proxy or the second virtual private proxy.

19. Reed et al. teaches hiding objects and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to hide objects such as the first virtual private proxy and the second virtual private proxy. One of ordinary skill in the art would have been motivated to hide objects such as the first virtual private proxy and the second virtual private proxy in order to prevent eavesdropping (*Reed et al., Abstract*).

20. Claim 5 and 47 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329 and further in view of Pfleeger (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866).  
'290 in view of '329 disclose the first and the second virtual private proxy as discussed above.

21. '290 in view of '329 do not teach hiding the existence of objects, in particular at least one of the first virtual private proxy or the second virtual private proxy.

22. Pfleeger teaches hiding objects (need-to-know rule, e.g. pg. 271) and it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to hide objects such as the first virtual private proxy and the second virtual private proxy given the benefit of increased security.

23. Claims 38-39 and 53 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290, in view of Epsteine et al. (U.S.

Patent No. 6684329), hereinafter '329 and further in view of Ashdown et al. (U.S. Patent No. 6308276), hereinafter '276.

'290 teach logging violations ('290, *col. 6 lines 48-56*) and '329 teach alarms and reporting that is associated with data filtering ('329, *col. 10 lines 32-65*).

24. As per claims 38-39 and 53 '290 and '329 do not explicitly teach generating an alarm based on the violation, 5 discarding the data that violates the agreement 3 and communicating the alarm to a system administrator.

'276 teach (in addition to logging the violation) discarding the data that violates the agreement and alarms reported to a system administrator ('276, *col. 1 lines 29-45, col. 3 lines 1-6, Fig. 7, col. 9 lines 12-42, col. 11 lines 63-67*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement logging the violation, discarding the data that violates the agreement and alarms reported to a system administrator as taught by Ashdown et al. One of ordinary skill in the art would have been motivated to perform such a modification in order to completely control the data flow.

25. Claims 8-10, 21-23, 27, 33-36, 42, and 55 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329 and further in view of Dan et al. (U.S. Pub. 20020178103) hereinafter '103.

26. '290 and '329 teach data exchange between entities utilizing the virtual private proxies, wherein data is filtered based on the agreement as discussed above.

27. As per claim 8, 10, 21, 23, 27, 33-36, 42, 55, '290 and '329 do not explicitly teach that the entity comprise business, do not teach generating the agreement based on two profiles that are associated with the communicating entities and that are used to generate the agreement, and do not teach that profiles comprise name and contact information, a transport protocol and messaging protocol and process specification document [32 and 35].

28. '103 teach two business entities [1] with profiles comprising name and contact information generating an agreement based on two profiles associated with the communicating entities [38], the profiles comprising name and contact information [35] and messaging protocol [33].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use business profiles to generate an agreement as taught by '103. One of ordinary skill in the art would have been motivated to perform such a modification in order to easily negotiate a contract based on the advertised businesses capability.

29. As per claims 9, 22, '290, '329 and '103 do not teach that the profiles comprise a transport security protocol and that the data allowed comprise XML data. Official Notice is taken that transport security protocols (e.g. *IPSec, PPTP, LT2P etc.*) as well as XML data are and well-known and utilized in data communication between entities. Utilizing these protocols are obvious variations that are well known in the art. One would have been motivated to include these protocols in profiles and

include XML data in allowed data especially in light of the benefits of these protocols and data as evidenced by their commercial success.

30. Claims 48-51 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329 and Pfleeger (Charles P. Pfleeger, "Security in computing", 2nd edition, 1996, ISBN: 0133374866) and further in view of Dan et al. (U.S. Pub. 20020178103) hereinafter '103.

Claims 48-51 introduce substantially equivalent limitations to limitations of claims 33-36; therefore claims 48-51 are similarly rejected.

31. Claims 48-51 are rejected under 35 U.S.C. 103(a) unpatentable over Dan et al. (U.S. Patent No. 6148290), hereinafter '290 in view of Epsteine et al. (U.S. Patent No. 6684329), hereinafter '329 and Reed et al. (U.S. Patent 6266704) and further in view of Dan et al. (U.S. Pub. 20020178103) hereinafter '103.

Claims 48-51 introduce substantially equivalent limitations to limitations of claims 33-36; therefore claims 48-51 are similarly rejected.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

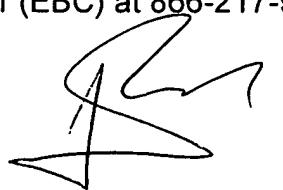
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
8/18/06

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